

REMARKS

Claims 51-77 are active. Independent Claims 51, 59 and 65 have been revised to omit reference to the receptor for the XQHNPR receptor. Minor edits have been made to these claims for clarity. Accordingly, the Applicants do not believe that any new matter has been added. Favorable consideration is respectfully requested.

Rejection—35 U.S.C. §112, first paragraph

Claims 51-77 were rejected under 35 U.S.C. 112, first paragraph, as lacking adequate description for the target receptor of the XQHNPR peptide. While the Applicants believe there is descriptive support for this receptor and such support is also implicit in the method steps of the screening methods, the claims have been amended to avoid this issue. Accordingly, this rejection is now moot.

Rejections—35 U.S.C. §112, first paragraph

Claims 75-77 were rejected as lacking adequate descriptive support and as lacking adequate enablement. Descriptive support of such derivatives is found in the specification on pages 9 and 10. Moreover, the scope of these claims is further limited by structural limitations as well as by the product-by-process steps in these claims. Based on the level of skill in the art and the disclosure of the screening methodologies in the present application, the Applicants submit that no undue experimentation would be required to identify candidate ligand molecules which increase or decrease the activity of the QHNPR peptide. Accordingly, the Applicants respectfully request that these grounds of rejection be withdrawn.

Provisional Rejections—Obviousness-type Double Patenting

Claims 75-77 were provisionally rejected over claims 18-28 of copending U.S. Application No. 10/315,445 and over claims 17, 20-22 and 31 of copending U.S. Application No. 10/435,564. Claims 65-68, 70 and 71 were provisionally rejected over claim 15 of copending U.S. Application No. 10/451,073.

The Applicants respectfully request that these provisional double patenting rejections be held in abeyance pending the identification of otherwise allowable subject matter in the present application. Upon an indication of allowability for the pending claims, the Applicants understand that the provisional double patenting rejection will be withdrawn, provided the claims in the copending application have not been allowed, MPEP 804(I)(B).

CONCLUSION

In view of the above amendments and remarks, the Applicants respectfully submit that this application is now in condition for allowance. Early notification to that effect is earnestly solicited.


Respectfully submitted,

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